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JUL 15 2004

Kelly Billingsley

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
GURAL *et al*

Serial No.: 09/884,283

Filing Date: June 19, 2001

Title: SYSTEM STRUCTURE FOR IN SITU
X-RAY STUDY OF
ELECTROCHEMICAL CELL
COMPONENT PERFORMANCE

Attorney Docket No.: 1396 (Ours 15884-45)

Group Art Unit: 1743

Examiner: Brian J. Sines

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 15, 2004

REPLY TO NOTICE OF NON-COMPLIANT AMENDMENT UNDER 37 C.F.R. § 1.121

SIR:

In response to Notice of Non-Compliant Amendment mailed June 28, 2004 (a copy of which is attached), please enter the claim amendments specified below, in compliance with 37 C.F.R. § 1.121.

No fee is believed due for entry of this Reply, should any fee be due, however, please charge such fees to Deposit Account number 501358.

Respectfully submitted,

Glen E. Books

Glen E. Books

Reg. No. 24,590

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15884/45
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09/884283
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Notice of Non-Compliant Amendment (37 CFR 1.121)

Paper No.

The amendment document filed on 6-7-4 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: claim 4

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opa/procnotice/officefive.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Annie Chelot
 Legal Instruments Examiner (LIE)

571-272-1049
 Telephone No.

Rev. 10/03